



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029**

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

SEP 21 2015

Mr. William Hanks and Ms. Debra Hanks, owners
Jacob's Well Assisted Living, LLC
Jacob's Well Assisted Living Home
522 Thomas Run Road
Bel Air, MD 21015

RE: Notice of Violation, Docket No. SDWA-03-2015-020-VS
Jacob's Well Assisted Living Home, Harford County, Maryland
PWS ID No. MD1120022

Dear Mr. and Ms. Hanks:

The following Notice of Violation is issued pursuant to Sections 1414(a) and 1445 of the Safe Drinking Water Act (SDWA), 42 U.S.C. §§ 300g-3(a) and 300j-4(a), and is a coordinated effort with the Maryland Department of the Environment (MDE). According to our records and information received from MDE, your public water system has violated certain provisions of the SDWA, 42 U.S.C. §§ 300f-300j-26, the National Primary Drinking Water Regulations (NPDWR) found at 40 Code of Federal Regulations (CFR) Part 141.

NOTICE OF VIOLATION

Based on information we possess:

1. Jacob's Well Assisted Living, LLC, (Respondent) is the owner of the Jacob's Well Assisted Living Home public water system (Jacob's Well or PWS), PWS Identification Number MD1120022 (System). Respondent is a "person" as defined by Section 1401 (12) of the SDWA and 40 C.F.R. § 141.2.
2. The System serves a population of at least twenty-five (25) persons daily with piped water for human consumption for a minimum of sixty (60) days per year, and/or has at least fifteen (15) service connections. According to information provided by MDE, Jacob's Well is a non-community water system that serves approximately 31 persons.
3. According to information provided by MDE, the System has exceeded the Action Level (AL) of 0.015 mg/L for lead numerous times since 1993. In 2007, the ninetieth percentile value for lead (Pb90) was 0.038 mg/L for the July – December monitoring period.

4. The System failed to complete and submit an Optimal Corrosion Control Treatment Recommendation by June 20, 2009, as required by 40 C.F.R. § 141.82(a) and §141.90(c)(2) after the 2007 Action Level exceedance.
5. Since 2007, the System has not had two consecutive 6-month monitoring periods where the Pb90 was at or below the action level of 0.015 mg/L. The Pb90 values for monitoring periods where lead and copper samples were collected are noted in the table. The System failed to collect lead and copper samples as required by 40 C.F.R. § 141.86 for the remaining monitoring periods noted in the table.

Monitoring Period Start Date	Monitoring Period End Date	Pb90 (mg/L)
1-Jul-07	31-Dec-07	0.038
1-Jan-08	30-Jun-08	No samples collected
1-Jul-08	31-Dec-08	No samples collected
1-Jan-09	30-Jun-09	No samples collected
1-Jul-09	31-Dec-09	0.029
1-Jan-10	30-Jun-10	No samples collected
1-Jul-10	31-Dec-10	0.023
1-Jan-11	30-Jun-11	No samples collected
1-Jul-11	31-Dec-11	No samples collected
1-Jan-12	30-Jun-12	No samples collected
1-Jul-12	31-Dec-12	0.004
1-Jan-13	30-June-13	No samples collected
1-Jul-13	31-Dec-13	0.054
1-Jan-14	30-Jun-14	No samples collected
1-Jul-14	31-Dec-14	No samples collected
1-Jan-15	30-Jun-15	0.051
1-Jul-15	31-Dec-15	0.022

6. The System failed to complete Water Quality Parameter monitoring by the end of the January – June 2015 monitoring period, as required by 40 C.F.R. § 141.87.
7. The System failed to provide notice of the individual tap sample results from lead tap water monitoring to persons served by the water system (“Consumer Notice”) by March 31, 2013, as required by 40 C.F.R. § 141.85(d)(1).
8. The System failed to complete annual Lead Public Education by March 2, 2015 as required by 40 C.F.R. § 141.85, based on the lead AL exceedance for the July – December 2013 monitoring period. A system shall repeat the task contained in 40 C.F.R. § 141.85(b)(4) at least once during each calendar year in which the system exceeds the lead action level. A system may discontinue delivery of public education materials if the system has met the lead action level.

9. On or about February 19, 2015, MDE sent the document "Requirements for Small Water Systems Exceeding the Lead and/or Copper Action Level(s)" to the System, which includes water quality parameter and source water monitoring requirements and due dates as well as the Lead Public Education mandatory language, Lead Public Education instructions and Lead Public Education Certification Form.
10. On or about March 24, 2015 and May 21, 2015, MDE contacted the System regarding the overdue Lead Consumer Notice requirements and included the digital version of the "Lead Sample Result Notification" and certification forms.

The Environmental Protection Agency ("EPA") is available to provide advice and technical assistance to help address the above FINDINGS. Please contact Ms. Lisa Donahue at 215-814-2062, if you want to request such advice or assistance.

This Notice of Violation is issued pursuant to Section 1414(a) of the SDWA, 42 U.S.C. § 300g -3(a). After thirty (30) days from the date of this notice, EPA is authorized either to issue an Administrative Order under Section 1414(g) requiring the public water system to comply, or to commence a civil action under Section 1414(b). Violations of the SDWA and the regulations are subject to penalties of up to \$37,500 per day of violation.

REQUEST FOR INFORMATION

Section 1445(a) of the SDWA, 42 U.S.C. § 300j-4(a), authorizes EPA to require owners and operators of public water systems to provide information as may be necessary to carry out the purposes of the SDWA.

Pursuant to Section 1445(a) of the SDWA, Respondent is required to provide EPA with the following information. This requirement to submit information is mandatory. Compliance with this requirement does not relieve Respondent of any liability for violations of the SDWA. Respondent may be subject to civil and criminal sanctions if it provides misleading or false information or fails to provide the requested information. Information which Respondent provides may be used by EPA in administrative, civil or criminal proceedings.

You may, if desired, assert a business confidentiality claim covering all or part of the information requested herein in the manner described in 40 C.F.R. Part 2. If no claim of confidentiality accompanies the information requested herein, it may be made available to the public by EPA without further notice to you. This inquiry is not subject to review by the Office of Management and Budget under the Paperwork Reduction Act of 1980, 44 U.S.C. Chapter 35 (See 5 C.F.R. § 1320.3(c)).

The instructions for responding to the inquiries are as follows:

- a. A separate narrative response must be made for each question set forth below, and for any subpart of each question.

- b. Label each response with the corresponding number of the question and any subpart to which it responds.

Accordingly, pursuant to Section 1445(a) of the SDWA, Respondent is directed to provide EPA the following information.

1. Name and street address of the owner or owners of the System. If this is a corporation, provide the names, titles, and addresses of officers. Do not provide a post office box.
2. Name and street address of the operator or operators of the System, and state certification number, if applicable. Do not provide a post office box. If this is a corporation, provide the names, titles, and addresses of officers.
3. The street address of the System, or, if no street address is possible, the physical location of the System. Do not provide a post office box.
4. Number of persons served drinking water by the System, including number of staff and residents, and residential length of stay.
5. Number of service connections to the System.
6. State whether the System is operated year-round. If the System is not operated year-round, state the number of days in operation.
7. A copy of the most recently performed sanitary survey for the System.
8. Copies of any Lead Consumer Notices and certification distributed since 2011.
9. Copy of any Public Education notices and certifications distributed since 2010.
10. Any existing plans and schedules to address elevated lead levels, including any Optimal Corrosion Control Treatment Recommendation required to be submitted to MDE.

Your response to this Notice of Violation and Request for Information shall be in writing. Your response is due within thirty (30) days of receipt of this Notice of Violation and Request for Information. You should submit your response to:

Ms. Lisa M. Donahue
United States Environmental Protection Agency
Ground Water and Enforcement Branch (3WP22)
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029
donahue.lisa@epa.gov

and

Ms. Nancy Reilman, Chief
SDWA Implementation Division
Maryland Department of the Environment
1800 Washington Boulevard
Baltimore, MD 21230
Nancy.Reilman@maryland.gov

If you have any questions, please call Lisa Donahue at 215-814-2062.

EPA has determined that your System may be a "small business" under the Small Business Regulatory Enforcement Fairness Act (SBREFA). The enclosed document entitled "Information for Small Businesses" provides information on contacting the SBREFA Ombudsman to comment on federal enforcement and compliance activities and also provides information on compliance assistance. As noted in the enclosure, any decision to participate in such program or to seek compliance assistance does not relieve you of your obligation to respond in a timely manner to an EPA request or other enforcement action, does not create any new rights or defenses under law, and will not affect EPA's decision to pursue this enforcement action. To preserve your legal rights, you must comply with all rules governing the administrative enforcement process. The Ombudsman and fairness boards do not participate in the resolution of EPA's enforcement action.

Sincerely,



Karen D. Johnson, Chief
Ground Water and Enforcement Branch

Enclosures

cc: Ms. Nancy Reilman, MDE
Ms. Christine Nagle, MDE
Mr. Sean Kenny, MDE
Mr. Neil Winner, MDE
Ms. Martha Lamb, Food Program Supervisor,
Harford County Environmental Health Department
Assisted Living Program, Licensing Dept.,
Office of Health Care Quality

